

State Appellate Public Defender

Analyst: Holland-Smith

Historical Summary

OPERATING BUDGET	FY 2000 Actual	FY 2001 Actual	FY 2002 Approp	FY 2003 Request	FY 2003 Gov Rec
BY FUND CATEGORY					
General	1,022,600	1,088,400	1,236,100	1,386,500	1,272,800
Percent Change:		6.4%	13.6%	12.2%	3.0%
BY OBJECT OF EXPENDITURE					
Personnel Costs	665,000	713,600	845,500	967,000	959,400
Operating Expenditures	348,300	367,900	388,300	417,200	311,100
Capital Outlay	9,300	6,900	2,300	2,300	2,300
Total:	1,022,600	1,088,400	1,236,100	1,386,500	1,272,800
Full-Time Positions (FTP)	11.00	12.00	13.00	15.00	15.00

Division Description

The Office of the State Appellate Public Defender was created in 1998 by House Bill 840 during the Fifty-Fourth Idaho Legislature. The intent of the legislation was to create a Capital Crimes Defense Fund to help defray the cost of capital litigation at the trial level for Idaho counties. Additionally, the intent of the legislation was to create the Office of the State Appellate Defender to reduce the cost of legal representation of indigent defendants upon the appeal of their criminal convictions, particularly for first-degree murder, which had been an expensive and unpredictable burden on the counties. In addition, there had developed the perception that because of the different degree with which some counties could respond financially to this demand, that it was possible that justice could be pursued unevenly throughout the state. The services of the State Appellate Public Defender are only available to those counties who participate in the Capital Crimes Defense Fund. The State Appellate Public Defender provides services in the following areas:

- 1) Appeals from convictions in district court.
- 2) Appeals from the district court in post-conviction relief proceedings brought pursuant to the uniform post-conviction procedure act.
- 3) Appeals from the district court in habeas corpus proceedings.
- 4) Post-conviction relief proceedings in capital cases.

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Comparative Summary

Decision Unit	AGENCY REQUEST		GOVERNOR'S REC	
	General	Total	General	Total
FY 2002 Original Appropriation	1,236,100	1,236,100	1,236,100	1,236,100
1. Defense for Death Penalty Cases	130,000	130,000	65,000	65,000
Holdback/Neg. Supp	(38,100)	(38,100)	(38,100)	(38,100)
FY 2002 Total Appropriation	1,328,000	1,328,000	1,263,000	1,263,000
Removal of One-Time Expenditures	(2,300)	(2,300)	(2,300)	(2,300)
Restore Executive Holdback	38,100	38,100	38,100	38,100
Permanent Base Reduction	0	0	(91,100)	(91,100)
FY 2003 Base	1,363,800	1,363,800	1,207,700	1,207,700
Personnel Cost Rollups	2,800	2,800	2,800	2,800
Inflationary Adjustments	8,800	8,800	0	0
Nonstandard Adjustments	1,200	1,200	0	0
Annualizations	0	0	60,000	60,000
Change in Employee Compensation	7,600	7,600	0	0
FY 2003 Program Maintenance	1,384,200	1,384,200	1,270,500	1,270,500
1. Appellate Attorneys/Replace Contract	2,300	2,300	2,300	2,300
FY 2003 Total	1,386,500	1,386,500	1,272,800	1,272,800
Change from Original Appropriation	150,400	150,400	36,700	36,700
% Change from Original Appropriation	12.2%	12.2%	3.0%	3.0%
Change in FTP's		2.00		2.00

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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
FY 2002 Original Appropriation	13.00	1,236,100	0	0	1,236,100

1. Defense for Death Penalty Cases

This request is for \$130,000 to contract for expert testimony needed to appeal capital cases in FY 2002. The agency has addressed the large increase in felony appellate work by contracting with outside attorneys with money originally intended for capital defense. The amount in the FY 2002 Appropriation designated for the combined defense of felony appeals and death penalty cases is \$173,000. The amount allocated for felony appeal work is currently \$120,000, leaving a balance of \$53,000 for death penalty cases. The State Appellate Public Defender estimates that the office needs \$183,000 annually for death penalty appellate work.

Agency Request	0.00	130,000	0	0	130,000
Governor's Recommendation	0.00	65,000	0	0	65,000

Holdback/Neg. Supp

The Executive Holdback was taken from personnel costs - \$13,400, and operating expenditures - \$24,700.

Agency Request	0.00	(38,100)	0	0	(38,100)
<i>Recommends that all of the Negative Supplemental come from operating expenditures.</i>					
Governor's Recommendation	0.00	(38,100)	0	0	(38,100)

FY 2002 Total Appropriation

Agency Request	13.00	1,328,000	0	0	1,328,000
Governor's Recommendation	13.00	1,263,000	0	0	1,263,000

Removal of One-Time Expenditures

Remove funding provided for one-time items.

Agency Request	0.00	(2,300)	0	0	(2,300)
Governor's Recommendation	0.00	(2,300)	0	0	(2,300)

Restore Executive Holdback

Agency Request	0.00	38,100	0	0	38,100
Governor's Recommendation	0.00	38,100	0	0	38,100

Permanent Base Reduction

Agency Request	0.00	0	0	0	0
<i>Permanent reductions in agency base budgets are made to accommodate limited General Fund revenue for fiscal year 2003. Reductions will be accommodated through program consolidations, expenditure management, and other program changes that realign funding availability with program requirements.</i>					
Governor's Recommendation	0.00	(91,100)	0	0	(91,100)

FY 2003 Base

Agency Request	13.00	1,363,800	0	0	1,363,800
Governor's Recommendation	13.00	1,207,700	0	0	1,207,700

Personnel Cost Rollups

Includes the employer portion of estimated changes in employee benefit costs.

Agency Request	0.00	2,800	0	0	2,800
Governor's Recommendation	0.00	2,800	0	0	2,800

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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
Inflationary Adjustments					
Includes a general inflationary increase of 1.7% in operating expenditures.					
Agency Request	0.00	8,800	0	0	8,800
<i>The Governor recommends no increase for inflation.</i>					
Governor's Recommendation	0.00	0	0	0	0
Nonstandard Adjustments					
Requested funding for increased State Controller fees.					
Agency Request	0.00	1,200	0	0	1,200
<i>Not recommended by the Governor.</i>					
Governor's Recommendation	0.00	0	0	0	0
Annualizations					
Agency Request	0.00	0	0	0	0
<i>Annualize supplemental for mitigation expenses and contract professional services. The Governor's Recommendation for the supplemental is \$65,000.</i>					
Governor's Recommendation	0.00	60,000	0	0	60,000
Change in Employee Compensation					
Reflects the cost of a 1% salary increase for permanent positions.					
Agency Request	0.00	7,600	0	0	7,600
<i>The Governor recommends state employee compensation increases to be made from salary savings.</i>					
Governor's Recommendation	0.00	0	0	0	0
FY 2003 Program Maintenance					
Agency Request	13.00	1,384,200	0	0	1,384,200
Governor's Recommendation	13.00	1,270,500	0	0	1,270,500
1. Appellate Attorneys/Replace Contract					
Move \$111,100 from contract and professional services funds within operating expenditures to personnel costs to provide for two deputy state appellate public attorneys. Two additional staff positions will assist in addressing caseload increases more efficiently than the current contract attorney arrangement by providing 3,968 hours of service. Current contract arrangements provide for 2,400 hours of service at a cost of \$120,000 (2,400 @ \$50/hour). New one-time funding of \$2,300 is requested for computer equipment.					
Agency Request	2.00	2,300	0	0	2,300
Governor's Recommendation	2.00	2,300	0	0	2,300
FY 2003 Total					
Agency Request	15.00	1,386,500	0	0	1,386,500
Governor's Recommendation	15.00	1,272,800	0	0	1,272,800
Agency Request					
Change from Original App	2.00	150,400	0	0	150,400
% Change from Original App	15.4%	12.2%			12.2%
<i>Governor's Recommendation</i>					
Change from Original App	2.00	36,700	0	0	36,700
% Change from Original App	15.4%	3.0%			3.0%

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Issues & Information

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Organizational Chart

